

JUN 15 2005

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

2005 JUN 15 P 1:38

In the Matter of)
)
Westar Energy, Inc.)
Carl M. Koupal, Jr.)
Douglass Lawrence)
Richard Bornemann)
Governmental Strategies, Inc.)

MUR 5573

SENSITIVE

GENERAL COUNSEL'S REPORT # 3

I. ACTIONS RECOMMENDED: Accept the attached proposed conciliation agreement with Richard Bornemann, take no further action against Governmental Strategies, Inc., and close the file in this matter.

II. BACKGROUND

On October 19, 2004, the Commission found reason to believe that Westar Energy, Inc., Carl M. Koupal, Jr., and Douglass Lawrence violated 2 U.S.C. § 441b(a) and 11 C.F.R. §§ 110.6(b)(2) and 114.2(f), and that Governmental Strategies, Inc., and Richard Bornemann violated 11 C.F.R. § 114.2(f) of the Federal Election Campaign Act of 1971, as amended ("the Act").¹ At the same time, the Commission authorized pre-probable cause conciliation with all respondents. The basis for the Commission's findings was evidence that Westar, its top executives, and an outside lobbyist facilitated the making of earmarked contributions apparently totaling \$52,050 in 2000 and 2002.

On May 10, 2005, the Commission accepted separate conciliation agreements with Westar Energy, Inc., Koupal, and Lawrence. In this Report, this Office recommends that the

¹ All of the activity addressed in this Report occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub L 107-155, 116 Stat 81 (2002) Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended ("the Act"), herein are to the Act as it read prior to the effective date of BCRA

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1 Commission accept the attached conciliation agreement with Richard Bornemann, the outside
2 lobbyist, take no further action against Governmental Strategies, Inc. ("GSI"), the firm with
3 which he was associated, and close the file in MUR 5573.

4 **III. CONCILIATION AGREEMENT**

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16 **IV. RECOMMENDATIONS**

- 17 1. Accept the attached conciliation agreement with Richard Bornemann.
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19 2. Take no further action as to Governmental Strategies, Inc.
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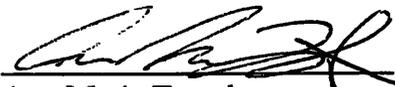
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- 3. Close the file in MUR 5573.
- 4. Approve the appropriate letters.

Lawrence H. Norton
General Counsel

Rhonda J. Vosdingh
Associate General Counsel for Enforcement

6/15/05
Date

BY: 
Ann Marie Terzaken
Assistant General Counsel


Elena Paoli
Attorney

Attachment

- 1. Richard Bornemann, Proposed Conciliation Agreement